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WASHINGTON, D.C. 20220

July 21, 1980

MEMORANDUM FOR MR. WALTER ELDER
SECRETARY
NATIONAL FOREIGN INTELLIGENCE BOARD

FROM: *Foster*
J. Foster Collins, Special Assistant
to the Secretary (National Security)

SUBJECT: Dissenting Positions in National Intelligence
Estimates and Memorandums (U)

REFERENCE: NFIB-14.2/8 of 10 July 1980, Subject as above

I support the basic objective of seeking order in the handling of dissents in National Intelligence Estimates and Memoranda and concur with the reference memorandum except for subparagraphs a and b of Section 6 with which Treasury has certain practical problems as described below. (C)

A first draft is received by NFIB departments and agencies and coordinated at a sufficient level to gain substantive approval or dissent at the working level. The NFIB representatives then meet in what is often a free-wheeling discussion of the pros and cons of the issues. This interchange of views can result in a significantly different estimate. To require a formal background position paper at the representatives meeting on the first draft would seem to be premature, and possibly even counterproductive to an expedited process. Such a submission would require clearance at a fairly high substantive level (Assistant Secretary at least in the case of Treasury) and the time-consuming process of such clearance would be wasted if the initial discussion resulted in a substantially changed second draft, as is very often the case. As a practical matter, the attention of the most senior substantive officers can only be obtained on a reasonably final draft which has been thoroughly discussed at the staff level and the merits of the various positions clearly set forth. (C)

We seek to get our position registered as early as possible in the process, and only in the case of the most controversial estimates should we have to register dissent in the later stages.

DRV CLAS BY CIA, NFIB-14.2/8,
dated 10 July 1980, RVW FOR
DECLAS July 86.

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I fully agree with subparagraph 6c that dissents should be approved by NFIB principals (which assures the completion of the necessary coordination within the Department or Agency concerned) prior to the pre-NFIB meeting of representatives on the final draft. I do, however, request a modification of the rather rigid requirement in subparagraph 6a and b for registering dissent in writing at the first draft meeting with an agreed text available for the second draft. (C)

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NATION: FOREIGN INTELLIGENCE BOARD

NFIS-14.2/8
10 July 1980

MEMORANDUM FOR NATIONAL FOREIGN INTELLIGENCE BOARD

FROM : Walter Elder
Secretary

SUBJECT : Dissenting Positions in National Intelligence Estimates
and Memorandums

1. The attached memorandum from the Director of Central Intelligence is forwarded for your consideration.

NFIB ACTION REQUESTED

2. You are requested to forward your concurrence and comments to the Secretariat by close of business, 21 July 1980. If your comments have not been received by that date or if you have not requested more time for consideration, the Secretary will take it that you have no comments and that you concur in the subject.

WALTER ELDER

Attachment
As Stated

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The Director of Central Intelligence

Washington, D. C. 20505

Attachment to
NFIB-14.2/8
10 July 1980

MEMORANDUM FOR: Members of the National Foreign Intelligence Board
Chairman, National Intelligence Council
National Intelligence Officers

SUBJECT : Dissenting Positions in National Intelligence
Estimates and Memorandums

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1. The purpose of this memorandum is to provide guidelines covering the format, the procedures for submission, and the content of dissenting positions in National Intelligence Estimates, Special National Intelligence Estimates, Interagency Intelligence Memorandums and Intelligence Alert Memorandums. I want to assure that all members of the NFIB have the fullest possible opportunity to present alternative judgments in those instances where they find they differ with the DCI's findings set forth in the main text of these estimative papers. Some recent NIE practice, however, indicates -- substance apart -- that there is a certain lack of order and clarity in the way we in NFIB are handling problems of dissent. For this reason, I forward this memorandum of guidance.

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2. Dissenting views and alternative assessments are important factors in the process of preparing national intelligence; their clear communication to the consumer is essential. Current DCI policy requires that dissenting positions or alternative views appearing in national intelligence be given treatment equal to the main text in length, degree of detail, and rationale. National Intelligence Officers responsible for the preparation of national intelligence have been charged to assure that the resulting text clearly compares the substance of the dissent and the DCI view and the reasons each of the differing views is held. It is often the explanation of the differing views that will be of greatest value to the reader.

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3. The NIOs have experienced difficulties in carrying out these policies. Dissenting positions tabled during the preparation of national intelligence have ranged from clear, well supported positions to somewhat ambiguous statements. Some dissenting positions

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have covered subjects not addressed in the main text or have gone beyond the scope of the estimate. Some have not been parallel with the main text in degree of detail. Some positions of dissent have nevertheless included judgments agreed to by all agencies, creating ambiguity about which parts of the statement of position were actually dissents. And a few dissents have been more assertions than legitimate, evidence-supported alternative analyses. There have also been problems in the timing of dissents: some have been made known to the NIOs early in the production process, while others have been suddenly tabled just prior to NFIB discussion of the estimate. ☐

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4. The problems experienced in handling dissenting positions stem in part from the staffing procedures within agencies by which the texts of dissenting positions are developed. They also stem from the desire of NIOs on the one hand to communicate dissenting views and associated main text clearly, and the desire of agency representatives on the other to express dissenting positions as they see fit. The guidelines below are intended to strike a balance between the prerogatives of members of NFIB to decide on the text of their dissenting positions and the obligations of the DCI to clearly communicate to policymakers the findings of the Intelligence Community on important foreign developments. ☐

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5. Format

a. As has been standard practice throughout the history of NIEs, the main text of national intelligence issuances will contain the findings of the DCI. Dissents of members of the NFIB, including the CIA member, will appear in the same format as the findings of the main text. The DCI will not himself take dissenting opinions.

b. The specific format selected by the NIO for presentation of the findings of the main text and dissenting positions will be coordinated with the dissenting agency. Whether the main text and dissenting positions are presented in separate paragraphs, separate sections, or annexes will depend on the nature and substance of the dissent, and will be determined through consultation between the NIO and representatives of the dissenting agency. ☐

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6. Procedures

a. The staffing of the first draft of a national intelligence paper should be at a level within agencies that will assure that major substantive problems with the findings are surfaced. For this purpose, the production schedule for the estimate should provide sufficient time for staffing within agencies. To support disagreements with the findings of the main text, agency representatives should provide the NIO with a background paper detailing the basis for their positions and their specific, written proposals for revising the main text.

b. The NIO and agency representatives should agree on the texts of dissenting positions appearing in the second and subsequent drafts of the estimate, which would be subject to later review and approval by dissenting NFIB principals.

c. Prior to the pre-NFIB meeting of representatives on the final draft of the estimate, agency representatives should obtain approval of their principals on the dissenting positions to appear in the estimate. As in the past, the final decisions on the main text and dissenting positions would be made during the deliberations of the NFIB on the estimate. ☐

7. Content

a. The objective of these guidelines on procedures is to improve the content of dissenting positions. The NIOs and agencies participating in the production of national intelligence should establish procedures to assure that dissenting positions (1) address issues within the scope of the estimate, (2) parallel the main text in substance and degree of detail, and (3) convey clear supporting rationale for the dissenting view.

b. The NIOs, acting for the DCI and working in conjunction with the dissenting agency or agencies, have the editing authority to insure that dissents do so indeed parallel the main text in their format, coverage, and

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presentation; they do not have the authority to change the substantive thrust of the dissents, provided only that those dissents present evidence and analysis and do not attribute positions to the main text which the DCI neither states nor intends. ☐

8. There will be no counter-dissents. ☐

9. These guidelines are intended to apply to national intelligence issuances prepared under scheduling procedures short of crash precedence. The handling of dissents will have to be adjusted under compressed procedures to produce national intelligence issuances on an urgent basis. ☐

10. Your cooperation in implementing these guidelines will be appreciated. ☐

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